

REMARKS

By this Amendment, Applicants amend claims 1 and 3-5 and cancel claims 8-19, without prejudice and disclaimer of the subject matter thereof. Applicants also add new claim 20 to address other aspects of the present invention. Upon entry of this Amendment, claims 1-7 and 20 will be pending.

In the Office Action, the Examiner rejected claims 1-5, 7-11, and 13-19 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,771,449 to Ito et al. (hereinafter "Ito"), and rejected claims 6 and 12 under 35 U.S.C. § 103(a) as unpatentable over Ito. Applicants respectfully traverse the rejections under both 102 and 103.

Regarding Claim Rejections under 35 U.S.C. § 102

Applicants respectfully traverse the Examiner's rejection of claims 1-5, 7-11, and 13-19 under 35 U.S.C. § 102(e) as anticipated by Ito. In order to anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, as amended, recites a combination including, for example, "a shock-absorbing unit configured to absorb a shock to the disk device before the head reaches the unload area under the control of the control unit." Ito fails to disclose at least "a shock-absorbing unit configured to absorb a shock to the disk device before the head reaches the unload area under the control of the control unit," as required by amended claim 1.

Ito teaches a falling sensor that “detects a falling of a magnetic disk drive or a information processing device installed with the magnetic disk drive and which is effective for avoiding physical damage of magnetic heads and magnetic disk media.” Ito, abstract. In Ito, “a magnetic disk drive 31 and a falling sensor 8 are connected to an inner circuit 32 of an information processing device 30.” “The inner circuit 32 monitors an output of the sensor, and when it detects the falling state, it decides whether the falling state continues more than a predetermined period and if the falling state continues more than the predetermined period, it evacuates the magnetic head from a surface of the magnetic disk medium.” Ito, column 6, lines 39-50. However, Ito’s teaching of evacuating the magnetic head in a falling state does not constitute “a shock-absorbing unit configured to absorb a shock to the disk device before the head reaches the unload area under the control of the control unit,” as recited by amended claim 1 (emphasis added).

Therefore, Ito fails to disclose each and every element of claim 1. Ito thus cannot anticipate amended claim 1 under 35 U.S.C. § 102. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1. Because claims 2-5 and 7 depend from claim 1, either directly or indirectly, Applicants also request withdrawal of the rejection of claims 2-5 and 7 for at least the same reasons stated above. Further, since claims 8-11 and 13-19 have been canceled, the rejection of claims 8-11 and 13-19 is moot.

Regarding Claim Rejections under 35 U.S.C. § 103

Applicants respectfully traverse the Examiner’s rejection of claims 6 and 12 under 35 U.S.C. § 103(a) as unpatentable over Ito. Because claim 12 has been canceled, the rejection of claim 12 is moot.

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Claim 6 depends from claim 1. As explained above, Ito fails to teach or suggest at least “a shock-absorbing unit configured to absorb a shock to the disk device before the head reaches the unload area under the control of the control unit,” as recited by amended claim 1 and required by dependent claim 6. Accordingly, no prima facie case of obviousness has been established with respect to claim 6. Applicants respectfully request withdrawal of the rejection of claim 6 under 35 U.S.C. § 103 as being obvious from Ito.

Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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